

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 22133 OF 2005

Date: 07.10.2005

BETWEEN:

Tatavarthi Nagendra Babu @ Murali

.... PETITIONER

And

1. National Highways Authority of India, rep. by its General Manager – cum – Project Director, Project Implementation Unit, Nellore, Nellore District, and another.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 22133 OF 2005

ORDER:

The petitioner is a resident of Singarayakonda Mandal in Prakasam district. He is the owner of the land admeasuring Acs.1.80 in S.No.3/7 of Mulaguntapadu village of Singarayakonda Mandal. The petitioner alleges that the Project Director of National Highways Authority of India (NHAI) and the Sub Deputy Collector (Land Acquisition), National Highways, Ongole, visited the petitioner's land and directed him to vacate without there being any notice or proceedings under Section 3-A of the National Highways Act, 1956 (for short 'the Act'). Apprehending coercive dispossession and deprivation of compensation for the land, the petitioner filed the instant writ petition seeking a direction to the respondents not to dispossess him without due process of law.

The learned Assistant Government Pleader for Revenue (Land Acquisition) submits that the writ petition is filed on mere apprehension. The learned Standing Counsel for NHAI

submits that the first respondent is not taking any action without issuing necessary notification under Section 3-A of the Act and the writ petition is filed on mere apprehension.

In view of the submissions made by the learned Assistant Government Pleader and learned Standing Counsel for NHAI, this writ petition is misconceived and without any factual foundation. If the land of the petitioner is required, it is needless to mention that the first respondent has to necessarily initiate action by issuing a notification under Section 3-A of the Act and without there being any such notification, the petitioner cannot be denied the right to enjoy the property.

The Writ Petition, with the above observations, is accordingly dismissed at the admission stage.

(V.V.S. RAO, J.)

7th October, 2005

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